IN THE CLAIMS

Amend claims 16 to read as follows.

16. (once amended) The invention of claim 13, wherein the corresponding destination for a particular information request is a personal computer and the corresponding set of information has at least one of an audio, a video, and a text format for rendering on the personal computer.

REMARKS

Claims 1-24 were presented in the application as filed and were examined in the Office Action mailed August 27, 2002. The above amendment to claim 16 is to correct a typographical error in the spelling of "text" in line 3. Applicant requests reconsideration and further examination of the application in view of the foregoing amendment and these remarks.

The present invention involves directing sets of information to different destinations; each set of information is obtained from a computer network in response to a stored user profile that requests such information to be obtained and sent to a specified destination.

The application as filed contained method claims 1-12 and corresponding apparatus claims 13-24. In paragraph 3 of the Office Action, the Examiner rejected all claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,317,779 to Gile et al. ("Gile") in view of U.S. Patent No. 6,049,831 to Gardell et al. ("Gardell"). It is respectfully submitted that this rejection was improper for two reasons. First, it would not have been obvious to modify Gile in the manner that would be necessary in order to form the claimed invention, because such modification would be antithetical to the purposes of the Gile system. Second, Gardell cannot fairly be read as disclosing the features of the present invention that are omitted in Gile.

In paragraph 4, the Examiner rejected independent claims 1 and 13. The Examiner stated that Gile discloses a method for providing information over a computer network, comprising the steps of providing a user profile, wherein the user profile defines a schedule of one or more information requests; preparing a set of information corresponding to each information request; and automatically delivering each set of information at a time based on the schedule. The Examiner further stated that Gile does not disclose each information request having a different destination, but that Gardell discloses a user accessing a network from several different devices.

Therefore, according to the Examiner, it would have been obvious to modify Gile to incorporate the feature of requesting that network information be sent to different devices; the motivation to do so, according to the Examiner, is that it would allow more flexible ways of accessing networks such as the Web.

The Examiner's suggested modification of Gile ignores the nature and purpose of the Gile system. The Gile system downloads multimedia tracks automatically on a user-specified schedule in order to create a user-customized compact disc ("CD"). (E.g., Giles abstract.) Although downloading multimedia tracks and writing them to a CD can be done manually by a user in an on-line session, the problem addressed by Gile is that doing so can be inconvenient:

> Depending on the size and format of the multimedia track, the bandwidth of the user's Internet connection, and the amount of traffic on the Internet at the time of download, the process required in visiting a service site, downloading a requested track, and listening to or watching the downloaded track may be time-consuming and/or inconvenient. (Gile col. 1 lines 37-43.)

To avoid the possibly time-consuming and inconvenient task of manually accessing and downloading multimedia tracks in an on-line session and writing them to a CD, the Gile system permits these activities to be performed automatically according to a user-defined schedule so that a CD containing the selected multimedia tracks will be ready at the desired ready time. (Gile col. 1 lines 53-63; col. 3 lines 10-27.) The tracks on the CD thus created can be retrieved later at the user's convenience. (Ibid.)

Thus, the purpose of the Gile system is to conveniently obtain multimedia tracks and aggregate them on a physical data storage medium associated with the user's computer so that when it is convenient for the user to access the multimedia tracks, they may be accessed quickly and easily from the local data storage medium, rather than from the network in an on-line session. In the language of the claims of the present invention, the only "destination" to which a "set of information" can be delivered to effect the purpose of the Gile system is the writable CD drive of the user's computer. Modification of Gile to deliver sets of information to different destinations would defeat the purpose of Giles invention to provide a CD available at a scheduled time from which the user's selected multimedia tracks can be retrieved at the user's convenience. Modification of Gile to meet the invention of claims 1 and 13 would therefore be improper.

Moreover, even if it were proper to modify Gile, modifying Gile in view of the teachings of Gardell would not render the invention of claims 1 and 13 obvious. Gardell simply does not

suggest directing different sets of information, obtained automatically from scheduled downloads, to different destinations. All that Gardell discloses in connection with the destination of downloaded information is a system in which a user can access the Internet manually from one of several different Internet access devices, and in which the destination for information downloaded in any particular session is the Internet access device from which the user is conducting that session.

The Gardell invention is primarily "apparatus and methods for accessing of a network using a variety of types of apparatus, such as a set top box for a television or a computer." (Gardell col. 1 lines 13-17.) These differing types of Internet access device have differing technical capabilities: "[f]or example, a computer is most suitable for viewing Web sites with a high text content. Web sites with a high motion video or sound content, however, are best visited from an entertainment console. A Web site that provides telephone directory services might be best visited from a screen phone." (Gardell col. 1 lines 46-54.) Thus, in a secondary aspect, the Gardell system "also captures session information in a centralized location during accessing, thus allowing a user integrated access to the network across multiple sessions." (Gardell col. 1 lines 16-20.)

What Gardell means by "integrated access to the network across multiple sessions" is the ability of a user to start a session from one Internet access device, terminate that session, and start another session from a second Internet access device, with information obtained during the first session being available in the second session. This feature of the Gardell system results from maintaining session information in an Internet server, rather than in a browser in the user's Internet access device as is typically done, and is described in the portions of Gardell cited by the Examiner, especially at col. 6 line 50 - col. 8 line 19. The utility disclosed by Gardell for this arrangement arises when a user conducting a manual on-line session from a first Internet access device accesses Internet content which is more preferably presented using the display capabilities of a second Internet access device:

> An example illustrates a use of the architecture shown in FIG. 7. A subscriber might browse the Web from their television 758 and locate a page that is interesting. The page, however, contains dense text and links to down-loadable files, which may not be best viewed on television 758. The subscriber uses a remote control input device and STB 752 to create a new bookmark, which is captured in the user service information (FIG. 3) by Internet server 714. The next day, the user may access the Web from subscriber computer 746. The bookmark defined the previous evening is

> available, allowing the user to read and down-load the materials using computer 746. The preferred embodiment also allows a subscriber's electronic mail (FIG. 3) to be available in a completely consistent form at both the computer 746 and the television 758.
>
> Alternatively, a subscriber using a Web browser on computer 746 may locate a site that is better viewed from television 758. This might be a site with attached MPEG data, a page with a large number of different colors, or simply a page with layout hints optimized for television 758. The subscriber sets a bookmark so that the site can be easily found from television 758. Similar integration may be used for a variety of other technologies, such as voice mail, PDA's, and other communication or content devices. (Gardell at col. 7 lines 31-56)

The Gardell system is a *manual* system. Its "integrated access to the network across multiple sessions" is effected *manually*. The Gardell system relies upon the user to determine in a first session conducted from a first Internet access device that particular content might better be viewed from a different Internet access device, to manually bookmark the location of the content, to terminate the first session, to initiate a second session from a second Internet access device, and to manually find and invoke the stored bookmark in order to re-access the location and have its content "delivered" to the second Internet access device. Gardell is not directed to automatic systems and suggests nothing at all regarding destinations for automatically-obtained information.

Gardell suggests nothing at all regarding *specifying*, for an information request, the destination for delivery of information obtained in response to the request. Gardell teaches only that the destination for delivery of information obtained in response to a request is the Internet access device from which the request was sent. Gardell contains no disclosure or suggestion of sending retrieved content other than to the particular Internet access device a user presently happens to be using during the ordinary on-line, real-time, manually-conducted Internet access session in which the user accesses the content. The fact that in such an on-line, real-time, manually-conducted session, a user might access particular content using bookmarks stored in a previous session, which might have been conducted from a different Internet access device, is entirely irrelevant to Applicant's invention. Gardell may not properly be cited as teaching the feature claimed in claims 1 and 13 of automatically delivering sets of information prepared in response to information requests in a schedule to corresponding destinations in the schedule.

Accordingly, it is respectfully submitted that claims 1 and 13 are not unpatentable over Gile in view of Gardell.

Because Gile is not a reference which under 35 U.S.C. § 103 might be modified to produce the invention defined in the independent claims, and Gardell is not a reference which discloses or suggests those modifications to Gile which would be required if such modification were proper, it is respectfully submitted that all claims are allowable over these references. This eliminates a context in which arguments as to the further patentability of the dependent claims might reasonably be advanced. It should be noted, however, that dependent claims 2 and 14, and 3 and 15, which specify the destination for sets of information as an Internet radio or an Internet television, respectively, further demonstrate that Gile is not properly modifiable to form the present invention. An Internet radio or an Internet television would not have a writable CD drive, and therefore would not be a destination to which information could be sent in the Gile system. Gile is limited to a single ultimate destination: the writable CD drive of a user's computer.

In view of the above amendments and remarks, the Applicant believes that the pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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VERSION OF REWRITTEN CLAIMS MARKED UP TO SHOW CHANGES

Pursuant to 37 CFR § 121(c)(1)(ii), Applicant submits this version of the claims rewritten by the foregoing amendment , which is marked up to show all changes relative to the previous version of each amended claim.

16. (once amended) The invention of claim 13, wherein the corresponding destination for a particular information request is a personal computer and the corresponding set of information has at least one of an audio, a video, and a [test] text format for rendering on the personal computer.